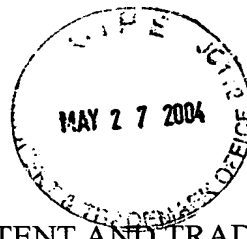


Appl. No. 09/889,938  
Paper dated May 24, 2004  
Reply to Office Action of December 24, 2003  
Attorney Docket No. 4167-011069



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/889,938  
Applicant : Kenneth Richards et al.  
Filed : December 11, 2001  
Title : Method for Conveying BNYVV Resistance to Sugar Beet Plants  
Group Art Unit : 1638  
Examiner : Ashwin D. Mehta

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated December 24, 2003 of the Primary Examiner rejecting claims 62-72. A supporting Appeal Brief will be filed in due course.

Pursuant to 37 C.F.R. §1.17(b), a check in the amount of \$750.00 is enclosed herewith to cover the cost of filing the Notice of Appeal (\$330.00) and a two-month extension of time (\$420.00). The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Notice of Appeal are enclosed.

05/28/2004 EFLDRES 00000166 09889938

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330.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 24, 2004.

Kimberly N. Welday  
(Name of Person Mailing Paper)

*Kimberly N. Welday* 05/24/2004  
Signature Date

Respectfully submitted,  
WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By

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